

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

PATRICK SANDER,

Plaintiff,

-v-

1:23-CV-783

TOWNSHIP OF
COXSACKIE COURT *et al.*,

Defendants.

APPEARANCES:

OF COUNSEL:

PATRICK SANDER
Plaintiff, Pro Se
7 Saint Josephs Terrace
Albany, NY 12206

DAVID N. HURD
United States District Judge

ORDER ON REPORT & RECOMMENDATION

On June 28, 2023, *pro se* plaintiff Patrick Sander (“plaintiff”) filed this civil action alleging that the named defendants violated his constitutional rights. Dkt. No. 1. Along with his complaint, plaintiff sought leave to proceed *in forma pauperis* (“IFP Application”). Dkt. No. 2.

On September 27, 2023, U.S. Magistrate Judge Christian F. Hummel granted plaintiff's IFP Application and advised by Report & Recommendation ("R&R") that plaintiff's complaint dismissed with leave to amend as to certain defendants but not others. Dkt. No. 5.

Plaintiff has not filed objections. The time period in which to do so has expired. *See* Dkt. No. 5. Upon review for clear error, the R&R will be accepted and adopted in all respects. *See* FED. R. CIV. P. 72(b).

Therefore, it is

ORDERED that

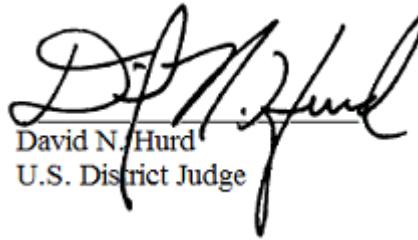
1. The Report & Recommendation is ACCEPTED;
2. Plaintiff's complaint is DISMISSED WITHOUT LEAVE TO AMEND as to his claims against the Town of Coxsackie Court, Town Justice Dorpfeld, Court Clerk Polizzi, and Commissioner Schroeder in his official capacity;
3. Plaintiff's complaint is DISMISSED WITH LEAVE TO AMEND as to his claims against Officer Bartolucci, Officer Springsted, and Commissioner Schroeder in his individual capacity;
4. Plaintiff shall have THIRTY DAYS from the date of this Order in which to file an amended complaint that conforms to the instructions set forth in Judge Hummel's R&R and this Order;
5. If plaintiff timely files an amended complaint, this matter shall be returned to Judge Hummel for review and further action as appropriate;

6. If plaintiff does not timely file an amended complaint, the Clerk of the Court is directed to close this action without further Order of the Court.

The Clerk of the Court is directed to terminate the motion.

IT IS SO ORDERED.

Dated: October 19, 2023
Utica, New York.



David N. Hurd
U.S. District Judge